

Remarks

Claims 12-15 are pending. Claim 12 is amended and claims 1-11 and 16-22 are herein cancelled without prejudice. Claims 16-22 are canceled in response to a restriction requirement. All rejections directed to claims 1-11 are considered moot and therefore are not addressed herein. Applicants submit that the amendment does not add new material to the current Application. No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment made is for the purpose of narrowing the scope of any claim, unless Applicants argue herein that such amendment is made to distinguish over a particular reference or combination of references.

Applicants herein include amended FIG. 1. In FIG. 1 the numbers "501-504" were replaced with "S01-S04" to match the specification. In error, the "S" was transformed to a "5" in FIG. 1. Applicants submit the amendment does not add new matter.

Applicants respectfully submit claims 12-15 are patentable under 35 U.S.C. 112, second paragraph. The Examiner rejected claim 12 because the phrase 'deciding whether the performance of the plasma etch equipment is acceptable' is vague and indefinite because it can be arbitrarily defined, hence, it is unclear in boundary and scope." The phrase was reworded in claim 12 to "determining if the extracted data is within a specification." Support for the phrase can be found on at least page 5, lines 12-15. Furthermore, Applicants submit that the amendment is not vague and indefinite because its boundary and scope is clear.

Furthermore, Coss, Kropp, and Markle also fail to teach or suggest all features of independent claim 12. More specifically Coss, Kropp and Markle, alone or together, fail to teach or suggest "calculating an etch rate of a film during etching of the film, calculating a non-uniformity of the film during etching of the film and comparing the calculated data with predetermined data" as stated in claim 12. Coss fails to teach or suggest calculating any specific parameters during etching. Kropp involves a method for detecting an end point and fails to discuss the determining the performance of equipment. While Markle teaches monitoring oxide etch rate during processing, Markle fails to teach or suggest comparing calculated calculating a non-uniformity of the film during etching of the film. Therefore, the combination of the prior art fails to teach or suggest calculating both etch rate and non-uniformity during etching. For these reasons, claims 12-15 are patentable over Coss, Kropp and Markle, together or alone, under 35 U.S.C. 103(a).

Believing to have responded to every issue raised by the Examiner in the last communication mailed, Applicants believe the present Application is currently in a condition of allowance. Applicants earnestly solicit allowance of all pending claims. Please contact Applicant's practitioner listed below if there are any issues.

Respectfully submitted,

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